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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,087	03/31/2004	Jason Hensley	F02.2-11374-US01	7351
490	7590	02/27/2006		
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185			EXAMINER PECHHOLD, ALEXANDRA K	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/815,087	Applicant(s) HENSLEY ET AL.	
	Examiner Alexandra K. Pechhold	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Kieranen et al (US 6,929,420).**

Regarding claim 1, Kieranen discloses a machine (see embodiment in Fig. 12) for of casting concrete panels (see disclosure of concrete in Col 2, lines 18-22) on an elongated casting bed having a bottom and opposing side forms, the improvement comprising:

a) a segmented screed (seen as contouring or screeding machine 220) having a frame (seen as support 227) above said casting bed and a plurality of screed units (seen as segments 239a-c in Fig. 12), said screed units each having a lower screed plate (seen as the plate on the underside of the segments 239a-c, since the Examiner assumes that these segments will also have the lower screed plate as seen in the screed 34 in Fig.

9b); and

b) each of said screed units being mounted to said frame for vertical travel (by hydraulic cylinders 252, 254 and the other two in phantom lines in Fig. 12, see also Col 13, lines 58-60) only such that the lower screed plates together when at a lowest position present

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a unified screed line to contact and screed concrete on said casting bed (which will inherently occur when the segments 239a-c are at their lowest position).

Regarding claim 2, Kieranen discloses each of said screed units includes a lifting mechanism (seen as hydraulic cylinders 252, 254 and the other two in phantom lines in Fig. 12, see also Col 13, lines 58-60) to raise and lower the screed unit such that all screed units may be raised or lowered together or selectively.

Regarding claim 3, Kieranen discloses that the lifting mechanism is hydraulically operated and each of said screed units includes a hydraulic mechanism comprising a hydraulic cylinder driving a piston attached to said screed units such that said screed units may move up and down relative to said frame (hydraulic cylinders 252, 254 and the other two in phantom lines in Fig. 12, see Col 11, lines 3-4 and Col 13, lines 58-60).

Regarding claim 4, Kieranen discloses a segmented concrete screed and frame as discussed with respect to claim 1 above, to which a plurality of individual screed units are slidably attached (seen as segments 239a-c in Fig. 12, which are capable of being slidably affixed or removed), each of said screed units including a lower screed plate (seen as the plate on the underside of the segments 239a-c, since the Examiner assumes that these segments will also have the lower screed plate as seen in the screed 34 in Fig. 9b), said screed units being attached to said frame such that all of the screed plates may be aligned to form a single continuous screeding line, each of said screed units being movable between a lowest position relative to said frame and a highest position (since the segments 239a-c are moveable by hydraulic cylinders 252, 254 and the other two in phantom lines in Fig. 12, see also Col 13, lines 58-60;

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inherently the segments can only move between a lowest position and a highest position relative to the frame).

Regarding claim 5, Kieranen discloses each of said screed units is movable between said lowest and highest positions by a hydraulic mechanism which includes a hydraulic cylinder and a piston (seen as hydraulic cylinders 252, 254 and the other two in phantom lines in Fig. 12 which can move the segments inherently between a lowest position and a highest position) attached to said screed unit to provide vertical travel of said screed unit relative to said frame (see Col 13, lines 58-60 and Fig. 12).

Response to Arguments

3. Applicant's arguments filed 12/13/05, with respect to the rejection of claims 1-5 under 35 USC 102(b) using the Pollitz et al patent (US 3,453,939) have been fully considered and are persuasive. The applicant's claims are directed towards creating concrete panels, whereas the Pollitz patent deals with laying asphalt onto a road bed, and not concrete. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of Kieranen et al (US 6,929,420). Accordingly, since applicant has not amended claims 1-5 and the Examiner is issuing a new grounds of rejection, this action is made non-final.

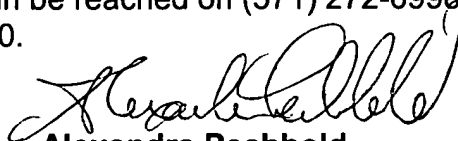
Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (571) 272-6994. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998. The fax phone number for this Group is (571)273-8300.

A handwritten signature in black ink, appearing to read 'Alexandra Pechhold', is written over the printed name.

Alexandra Pechhold
Patent Examiner
Group 3600

AKP
2/20/06